IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 16099 of 2004

Between:

G. Ravi, S/o. Krishna Murthy,
R/o. Door No. 4/311, Markapur, Prakasam District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Markapur, Prakasam District.
2 The Mandal Revenue Officer, Markapur Mandal, Prakasam District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not releasing the essential commodities to the petitioner in respect of Shop No.4 of Markapur Town, Prakasam District, when the appointment orders of the petitioner as Fair Price Shop Dealer is in vogue, as being arbitrary, illegal and unconstitutional and issued a consequential direction, directing the respondents to continue the petitioner as Fair Price Shop Dealer and release the stocks in respect of Shop No.4 of Markapur Town, Prakasam District

Counsel for the Petitioner : MR. G.NAGARAJU

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.16099 OF 2004

ORAL ORDER :

The petitioner seeks a declaration that the action of the respondents in not releasing the essential commodities to the petitioner in respect of the shop No.4 of Markapur Town, Prakasam District as arbitrary and illegal.

The petitioner states that he was appointed as the dealer in respect of the fair price shop No.4 of Markapur Town by the first respondent – Revenue Divisional Officer, Markapur vide proceedings dated 15-07-2002. Thereafter, he has been making representations to the respondents to issue the auhorisation and to release the stocks, but for the reasons best known to them the authorization was not issued and consequently, the petitioner is unable to lift the stocks and could not run the fair price shop. It is claimed that recently, in February, 2004, the respondents have permitted the petitioner to remit the authorization fee of Rs.500/- and accordingly on 16-02-2004 he paid the authorization fee of Rs.500/- and thereafter as per the directions of the respondents, he has also taken the necessary demand draft for Rs.3,000/- on 10-06-2004 in the name of the District Manager, Civil Supplies Corporation. The grievance of the petitioner is that in spite of the fact that he remitted the requisite amounts, the stocks were not released and the authorization has not been issued.

Hence, this writ petition.

Even assuming that the petitioner was appointed as the dealer on 15-07-2002, in the absence of any material to show that he has complied with all other statutory requirements within the time granted, and particularly in the absence of the authorization, the petitioner cannot claim any right to lift or to distribute the commodities. Admittedly, the authorization fee was paid only in February, 2004. No satisfactory explanation is forthcoming for his failure to make the requisite payments in time.

In the circumstances, the relief as prayed for cannot be granted. However, this shall not preclude the petitioner to make a representation before the Revenue Divisional Officer, Markapur bringing to his notice about the payments made by him and requesting to issue the authorization in his favour on the basis of the appointment order dated 15-07-2002, in which event the Revenue Divisional Officer, Markapur, shall consider the same and pass appropriate orders in accordance with law.

Accordingly, the Writ Petition is disposed of. No costs.

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28th October, 2004.

Gbs

To

1 The Revenue Divisional Officer, Markapur, Prakasam District.
2 The Mandal Revenue Officer, Markapur Mandal, Prakasam District.

3. 2CCs to G.P. for Civil Supplies, High Court of AP Bldgs, Hyderabad (OUT).

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